

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES FRANK LOWERY,

Petitioner,

v.

DARREN SWENSEN,

Respondent.

Case No. C06-5112 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion for a Certificate of Appealability [Dkt. #26].

Having considered the entirety of the records and file herein, the Court rules as follows:

For the reasons stated in the Magistrate Judge's Report and Recommendation [Dkt. #19], this Court declines to issue a Certificate of Appealability because the Petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 21st day of September, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE